

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID FREEMAN

:

CIVIL ACTION

:

v.

:

:

JOHN E. WETZEL, et al.

:

NO. 5:13-cv-3653

ORDER

AND NOW, this 23rd day of December, 2014, upon careful and independent review of the Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254 of Petitioner David Freeman (Doc. No. 1), and upon consideration of the Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski (Doc. No. 19), to which no objections were filed, it is hereby ORDERED as follows:

1. The Report and Recommendation (Doc. No. 19) is APPROVED and ADOPTED, as modified by this Order.
2. As recommended, the Petition for Writ of Habeas Corpus (Doc. No. 1) shall be STAYED and held in ABEYANCE while Petitioner litigates his Post Conviction Relief Act ("PCRA") petition in the state courts and while the Third Circuit Court of Appeals decides Songster v. Secretary Pennsylvania Department of Corrections, No. 12-3941.
3. The petition shall also be STAYED and held in ABEYANCE pending the Supreme Court's decision in Toca v. Louisiana, No. 14-6381.
4. The Clerk of Court is directed to place this case in civil suspense.
5. The parties shall notify the District Court within thirty (30) days of the conclusion of Petitioner's state proceedings and inform the Court at that time of the status of Petitioner's habeas corpus petition.

BY THE COURT:

/s/ Legrome D. Davis

Legrome D. Davis, J.